

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

| | | |
|-----------------------------|---|---------------------------|
| GARY LLOYD MILLER, #1492685 | § | |
| VS. | § | CIVIL ACTION NO. 6:14cv75 |
| DIRECTOR, TDCJ-CID | § | |

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus concerning a prison disciplinary case should be denied. The Petitioner has filed objections.

The Petitioner complained in his objections that he was denied his constitutional rights in the prison disciplinary case. The fact remains, however, that he did not lose any good time. Moreover, he is ineligible for release on mandatory supervision. The punishment he received did not involve a protected liberty interest. “Federal habeas relief cannot be had absent the allegation by a plaintiff that he or she has been deprived of some right secured to him or her by the United States Constitution or the laws of the United States.” *Malchi v. Thaler*, 211 F.3d 953, 957 (5th Cir. 2000) (internal quotations and citation omitted). Since the punishment imposed in this case did not involve a protected liberty interest in order to trigger the protection of the Constitution, the Petitioner may not obtain federal habeas corpus relief.

The Report and Recommendation of the Magistrate Judge, which contain his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner, the Court is of the opinion

that the findings and conclusions of the Magistrate Judge are correct. The Court therefore hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

So ORDERED and SIGNED this 23rd day of April, 2014.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE